

INITIAL DECISION RELEASE NO. 352
ADMINISTRATIVE PROCEEDING
FILE NO. 3-13017

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

In the Matter of	:	
	:	INITIAL DECISION
CLARENCE FRIEND	:	July 14, 2008

APPEARANCES: Gregory C. Glynn for the Division of Enforcement,
Securities and Exchange Commission

Robert C. Rosen for Respondent Clarence Friend

BEFORE: Carol Fox Foelak, Administrative Law Judge

SUMMARY

This Initial Decision bars Clarence Friend (Friend) from association with any broker or dealer. He was previously enjoined from violating the antifraud and registration provisions of the securities laws, based on his wrongdoing in 2004 and 2005 in connection with the sale of stock in AirTrac, Inc. (AirTrac).

I. INTRODUCTION

A. Procedural Background

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) against Friend on April 21, 2008, pursuant to Section 15(b) of the Securities Exchange Act of 1934 (Exchange Act). The undersigned granted the parties leave to file Motions for Summary Disposition at a May 27, 2008, prehearing conference, pursuant to 17 C.F.R. § 201.250(a), by June 23, 2008, with oppositions due on June 30, 2008. The Division of Enforcement (Division) timely filed its Motion for Summary Disposition, as well as an opposition to a legal argument, that the Commission lacked jurisdiction, made by Friend at the prehearing conference.¹ The administrative law judge is required by 17 C.F.R. § 201.250(b) to act “promptly” on a motion for summary disposition.

¹ Friend did not file a Motion for Summary Disposition or an opposition to the Division’s.

